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The Honorable Philip H. Brandt
Chapter 13
Location: Tacoma, WA
Hearing Date & Time: 4/26/05 @ 1:30p.m.
Response Deadline: 4/11/05

Attorney for Movant
CENTEX HOME EQUITY, its assignees and/or successors

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

In re:) Case No. 05-40010-PHB
)
Donald Francis Miller,) Chapter 13
)
Debtor(s).) **STIPULATION VACATING ORDER**
) **TERMINATING AUTOMATIC STAY for**
) **Real Property at: 5022 South L Street,**
) **Tacoma, WA 98408**
)

This Stipulation is entered into by and between the Secured Creditor, Centex Home Equity, its assignees and/or successors (hereinafter "Creditor"), by and through its attorneys of record, Katharine McCormick, Esq. for McCarthy & Holthus, LLP, and the Debtor, Donald Francis Miller (hereinafter "Debtor"), by and through his attorney of record, Dallas W. Jolley, Esq.

This Stipulation pertains to real property commonly known as 5022 South L. Street, Tacoma, WA 98408 and is more particularly described as:

LOT 10, 11, AND 12 IN BLOCK 4628 OF SOUTH SIDE ADDITION TO TACOMA, ACCORDING TO PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE 54, IN PIERCE COUNTY, WASHINGTON.

THE PARTIES STIPULATE AS FOLLOWS:

1. The Order Terminating the Automatic Stay entered 4/15/2005 is hereby vacated (see Exhibit "A").

1 2. Creditor's Motion for Relief from the Automatic Stay filed March 17, 2005 will be
2 reserved electronically and via U.S. mail and the matter will be re-noted to the Court's calendar
3 for further consideration.

4
5 Dated: May 10, 2005

/s/ Katharine McCormick
Katharine McCormick, WSBA #35965
Attorney for Movant

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7 Dated: _____

/s/ Dallas W. Jolley, Esq.
Dallas W. Jolley, Esq.
Attorney for Debtor

10
11
12 ORDER

13 The parties hereto, having stipulated, are bound by the terms of this Stipulation and this
14 Stipulation shall become an Order of this Court.

15 DATED: 16 May 2005

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JUDGE OF THE UNITED STATES
BANKRUPTCY COURT

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

In re:) Case No. 05-40010-PHB
)
Donald Francis Miller,) Chapter 13
)
Debtor(s).) **ORDER TERMINATING**
) **AUTOMATIC STAY for Real Property at:**
) **5022 South L Street, Tacoma, WA 98408**

The motion for relief from the automatic stay of Movant, CENTEX HOME EQUITY, its successors and/or assigns, ("Movant"), came on regularly for hearing before this Court on the date, time and place set forth above, before the Honorable Philip H. Brandt, Judge presiding.

Upon reading the papers and pleadings on file herein, and based on the evidence presented, the Court rules as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the automatic stay provisions of 11 U.S.C. § 362 be and are hereby terminated with respect to the interests of Movant in the real property commonly known as 5022 South L Street, Tacoma, WA 98408.

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2 IT IS FURTHER ORDERED that Movant may complete its foreclosure of said real
3 property and proceed with post-foreclosure remedies, including any unlawful detainer action, in
4 accordance with applicable law.
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6 IT IS FURTHER ORDERED that the ten day stay provided by Bankruptcy Rule
7 4001(a)(3) is waived.
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10 Dated: April 15, 2005

PHB - 

Honorable Philip H. Brandt
United States Bankruptcy Court Judge

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13 Presented By:

14
15 /s/ Katharine McCormick, Esq.
16 Katrina E. Glogowski, Esq., WSBA #27483
17 Katharine McCormick, Esq., WSBA #35965
18 Attorney for Movant
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